

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Cook, et al.

Confirmation No.: 6684

Application No.: 10/601,242

Group Art Unit: 1633

Filed: June 20, 2003

Examiner: J. Epps Ford

For: Gapped 2'-Modified Oligonucleotides

Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW TERMINAL DISCLAIMER
UNDER 37 CFR §1.182**

Applicants hereby petition for withdrawal of a terminal disclaimer filed by Applicants during prosecution of the instant patent application.

On November 17, 2005, Applicants filed a terminal disclaimer over U.S. Pat. No. 6,326,199 B1 in response to a rejection dated May 17, 2005 for nonstatutory obviousness-type double patenting.

MPEP § 1490(IV) provides that “[i]f timely requested, a recorded terminal disclaimer may be withdrawn before the application in which it is filed issues as a patent” and that such relief “may be available by way of petition.”

Applicants respectfully note that the claims that were the subject of the May 17, 2005 double-patenting rejection (*i.e.*, claims 59-68) have since been withdrawn from the present application (*see* Applicants’ Reply dated May 22, 2006) and are no longer pending. Applicants further note that the present application has not yet issued.

Accordingly, Applicants respectfully request withdrawal of the terminal disclaimer over U.S. Pat. No. 6,326,199 B1 filed in connection with the present application.

DOCKET NO.: MOR-0130

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PATENT

Please charge the petition fee of \$400.00 under 37 C.F.R. § 1.17(f) to Deposit Account No. 23-3050.

If the Examiner has any questions, the Examiner is invited to call the undersigned at (215) 568-3100.

Respectfully submitted,

Date: May 5, 2007

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